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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,988	07/11/2005	Robert Albertus Brondijk	NL 030037	7996
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EXAMINER				
WENDMAGEGN, GIRUMSEW				
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2621				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/541,988

**Applicant(s)**

BRONDIJK, ROBERT ALBERTUS

**Examiner**

GIRUMSEW WENDMAGEGN

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07/11/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claim1, 4-8, 13** is rejected under 35 U.S.C. 102(b) as being anticipated by Kikuchi et al (Patent No US 5,870,523).

Regarding claim1,13, Kikuchi et al (hereinafter Kikuchi) anticipates method for creating a transfer file, the file comprising an information block comprising information on a data block and the data block (see figure4) comprising a navigation field and the navigation field comprising a Relative Logical Block Number of the navigation field , the method comprising the steps of creating a transfer file by appending the data block to the information block characterized in that in the transfer file the Relative Logical Block Number of each navigation field in the data block is recalculated relative to a first Logical Block Number of the data block ( see figure6 block 86; figure25-28 and 31-32).

Regarding claim4, Kikuchi anticipates a method for creating a transfer file for transferring a section of a data stream stored in a file as claimed in claim1 characterized in that the section of the data stream comprises a DVD title or a DVD chapter (see figure4 and 12).

Regarding claim5, Kikuchi anticipates method for creating a transfer file for transferring a section of a data stream stored in a file as claimed in claim 1, 2, 3, or 4, characterized in that the file comprises one or more VOB blocks in a DVD format (see figure6 video object sets).

Regarding claim6, Kikuchi anticipates method for creating a transfer file for transferring a section of a data stream stored in a file as claimed in claim 1, 2, 3, or 4, characterized in that the information block is a VTSI block in the DVD format (see figure12 block 94).

Regarding claim7, Kikuchi anticipates method for creating a transfer file for transferring a section of a data stream stored in a file as claimed in claim 1, 2, 3, or 4, characterized in that the data block comprises one or more VOB blocks in the DVD format (see figure6 cell 84 comprises plurality of VOB 85).

Regarding claim8, Kikuchi anticipates method for creating a transfer file for transferring a section of a data stream stored in a file as claimed in claim 1, 2, 3, or 4,

characterized in that the navigation field is a NV PCK field in the DVD format (see figure6 block 86).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim2-3, 10-11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al (Patent No US 5,870,523).

Regarding claim2, see the teaching of Kikuchi above. Kikuchi does not teach first logical block number of the data file is assigned to the value 0. However it is old and well known in the art to assign the value of 0 for the first logical block number. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to assign the first logical block number because it is widely accepted value for first logical block number.

Regarding claim3, Kikuchi teaches method for creating a transfer file for transferring a section of a data stream stored in a file as claimed in claim 2,

characterized in that the recalculated Logical Block Number is stored in a data search information field and a Program Control Information field (see figure25-28 and 31-32).

Regarding claim10, 11, see the teaching of Kikuchi above. Kikuchi does not teach the destination DVD disc containing the DVD+VR format. However DVD+VR format is a well known format. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to use destination DVD disc containing the DVD+VR format because this format allow the user to add or edit the content easily.

Claim9,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al (Patent No US 5,870,523) as applied to claim1-8,10-11.13 above, and further in view of Nozaki et al (Patent No US 6,396,998).

Regarding claim9, 12, see the teaching of Kikuchi above. Kikuchi does not teach transfer file is appended to the end of the data on the destination DVD and a VMG block is updated to include information on the added transfer file. However Nozaki teaches transfer file is appended to the end of the data on the destination DVD and a VMG block is updated to include information on the added transfer file (see figure8; column7 line40-column8 line13).

One of ordinary skill in the art at the time the invention was made would have been motivated to append transfer file as in Nozaki in to Kikuchi because it would allow the user to record the content continuously.

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THAI TRAN whose telephone number is (571)272-7382. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Girumsew Wendmagegn/  
Examiner, Art Unit 2621

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621